

Douglas M. Lash, WSBA #48531
McKENZIE ROTHWELL BARLOW
& COUGHRAN, P.S.
1325 Fourth Ave Suite 910
Seattle, WA 98101
Telephone: (206) 224-9900
Facsimile: (206) 224-9820
E-mail: douglasm@mrbclaw.com

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARDS OF TRUSTEES OF THE
LOCAL 191 I.B.E.W. HEALTH AND
WELFARE TRUST FUND; LOCAL 191
I.B.E.W. MONEY PURCHASE PLAN;
NORTHWEST WASHINGTON
ELECTRICAL INDUSTRY JOINT
APPRENTICESHIP & TRAINING
TRUST; NATIONAL ELECTRICAL
BENEFIT FUND; LABOR
MANAGEMENT COOPERATION
COMMITTEE FUND; DISTRICT NO. 9
PENSION PLAN; and I.B.E.W. LOCAL
191,

Plaintiffs,

v.

DBE ELECTRIC, INC., Washington
corporation, UBI No. 602952513,
Contractor's Registration No.
DBEELEI912PM,

Defendant.

NO.

COMPLAINT FOR BREACH OF
COLLECTIVE BARGAINING
AGREEMENT

For their complaint, plaintiffs allege as follows:

COMPLAINT FOR BREACH OF COLLECTIVE
BARGAINING AGREEMENT – 1

McKENZIE ROTHWELL BARLOW
& COUGHRAN, P.S.
1325 FOURTH AVE, SUITE 910
SEATTLE, WA 98101
(206) 224-9900

I. PARTIES & JURISDICTION

1. Plaintiffs are the Boards of Trustees of the Local 191 I.B.E.W. Health and Welfare Trust Fund, the Local 191 I.B.E.W. Money Purchase Plan, the Northwest Washington Electrical Industry Joint Apprenticeship and Training Trust, the National Electrical Benefit Fund, Labor Management Cooperation and Committee Fund, and District No. 9 Pension Plan (collectively, “Trust Funds”).

2. The Trust Funds are joint labor-management trust funds under Section 302(c) of the Labor Management Relations Act (“the Act”), 29 U.S.C. § 186(c) and the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1001 *et. seq* as amended. The Trust Funds bring this action pursuant to sections 502(a)(3) and 515 of ERISA, 29 U.S.C. §§1132(a)(3) and 1145.

3. I.B.E.W. Local 191 is a Washington-based employee organization as defined by the Act. Local 191 is the exclusive collective bargaining representative on behalf of certain employees of DBE Electric Inc. (hereafter “DBE Electric”) residing in the State of Washington.

4. DBE Electric is engaged in business within the jurisdiction of this Court, and such business affects commerce within the meaning of Section 301(a) of the Act.

5. DBE Electric is a Washington corporation engaged in business as an electrical contractor with its principal offices located at 16626 SE Lake Holm Road, Auburn, WA 98092-5962.

6. Jurisdiction over defendant is conferred by Section 301(a) of the Act and Sections 502(g)(2) and 515 of ERISA. 29 U.S.C. §§1132(g)(2) and 1145.

8. The Trust Funds are administered in King County, Washington.

9. Pursuant to Section 502(e)(2) of ERISA, 29 U.S.C. §1132(e)(2), venue is appropriate in the Division of Seattle, King County, Washington.

10. Plaintiffs re-allege the facts set forth in paragraphs 1 through 9 above as if stated fully herein, and further allege as follows:

11. At all times material, DBE Electric was signatory to a collective bargaining agreement (“CBA”) with the Trust Funds and the applicable Trust Agreements which were incorporated therein by reference.

12. The CBA and Trust Agreements require DBE Electric to make contributions to the plaintiffs on behalf of covered employees.

13. At all material times, DBE Electric has employed employees for whom employee benefit contributions or withheld wages are due under the CBA.

14. At all material times, DBE Electric has failed and/or refused to timely make required monthly contributions for such employees to the Trust Funds for the January 2014 through March 2018 audit period.

15. DBE Electric owes the Trust Funds \$15,449.31 in contributions for the January 2014 through March 2018 audit period.

16. Under the terms of the Trust Agreements creating the trust funds and ERISA §502(g)(2), DBE Electric is obligated to pay liquidated damages, interest, reasonable attorney's fees, and costs and expenses of suit to be determined upon motions at trial.

17. DBE Electric owes \$1,411.02 in liquidated damages and \$3,740.05 in interest for the January 2014 through March 2018 audit period.

IV. PRAYER FOR RELIEF

Plaintiffs pray for judgment as follows:

A. For judgment against DBE Electric, Inc. for \$15,449.31 in contributions for the January 2014 through March 2018 audit period;

B. For judgment against DBE Electric, Inc. \$1,411.02 in liquidated damages and \$3,740.05 in interest for the January 2014 through March 2018 audit period;

C. For judgment against DBE Electric, Inc. for reasonable attorney fees and costs, and expenses of suit; and

D. For such other and further relief as this court deems just and equitable.

DATED this 1st day of May, 2019.

/s/ Douglas M. Lash
Douglas M. Lash, WSBA # 48531
McKENZIE ROTHWELL BARLOW
& COUGHRAN, P.S.
Attorneys for the Plaintiffs